

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

LOCALS 302 AND 612 OF THE  
INTERNATIONAL UNION OF  
OPERATING ENGINEERS  
CONSTRUCTION INDUSTRY  
HEALTH AND SECURITY FUND, *et*  
*al.*,

Plaintiffs,

v.

BARRY CIVIL CONSTRUCTION,  
INC.,

Defendant.

CASE NO. C16-1773-JCC

ORDER OF DEFAULT  
JUDGMENT

This matter comes before the Court on the motion for default judgment by Plaintiffs Locals 302 and 612 of the International Union of Operating Engineers Construction Industry Health and Service Fund, *et al.*, against Defendant Barry Civil Construction, Inc. (Dkt. No. 9).

Barry was properly served in this matter on November 17, 2016. (Dkt. No. 2.) Barry has failed to appear or otherwise defend in this action. Accordingly, the Clerk entered an order of default on January 18, 2017. (Dkt. No. 7.)

“At the default judgment stage, the court presumes all well-pleaded factual allegations related to liability are true.” *Curtis v. Illumination Arts, Inc.*, 33 F. Supp. 3d 1200, 1211 (W.D.

Wash. 2014); *see also TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987). However, factual allegations relating to the amount of damages are not taken as true. *Curtis*, 33 F. Supp. 3d at 1211. A “plaintiff is required to prove all damages sought in the complaint, and the court must ensure that the amount of damages is reasonable and demonstrated by the evidence.” *Id.*

Based on the materials submitted, the Court finds sufficient allegations, as well as evidence, to establish liability and sufficient evidence to support the amount and type of damages.

Thus, the motion for default judgment (Dkt. No. 9) is GRANTED. The summary of judgment is as follows:

Judgment Creditor:	Operating Engineers Trust Funds
Judgment Debtor:	Barry Civil Construction, Inc.
<u>Amounts Payable to Plaintiff Fund</u>	
Unpaid Contributions:	\$34,837.76
Liquidated Damages	\$4,258.07
Interest through March 24, 2017	\$1,634.60
Interest thereafter	12% per annum
(on unpaid contributions only)	
<u>Amounts Payable to Plaintiff Local Union</u>	
Unpaid Union Dues:	\$2,028.76
<u>Amounts Payable to All Plaintiffs</u>	
Attorney Fees:	\$546.00
Costs:	\$459.50
Other Recovery Amounts:	NONE
Interest Rate on Costs:	NONE
Attorneys for Judgment Creditor:	Reid, McCarthy, Ballew & Leahy, L.L.P.
<u>TOTAL:</u>	\$43,764.69

The Clerk is directed to CLOSE this case.

1 DATED this 30th day of March, 2017.

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5 John C. Coughenour  
6 UNITED STATES DISTRICT JUDGE  
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